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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,320	11/15/2000	Matias Duarte	04676.P004X	6475

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EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,320

Applicant(s)

DUARTE ET AL.

Examiner

SrilaKshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-8,16,20-27 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,16,22-27,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 7,8,20,21 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The following office action is in response to the after final amendment filed May 11, 2004. The finality of the previous office action has been withdrawn, and the following action is non-final.

Claims 1, 3, 6-8, 16, 20-27, and 30-32 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 16, 22, 26, 27, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Conway et al. (US 5,278,779).

As to independent claims 1 and 26, Conway et al disclose an apparatus comprising, a data processing device (Figs. 1a-d); a first group of control elements (Figs. 1a-d, items on the left) and a second group of control elements (Figs. 1a-d, items on the right) integrated directly on said data processing device; a display (Fig. 1, item 14) comprising a display area for rendering images generated by said data processing device, said display coupled to said data processing device (Fig. 1, item 10) at a pivot point and rotatable around said pivot point from a first position to a second position (Figs. 1a-c, where each figure shows the rotation of the display and col. 2, lines 31-36); wherein said display is viewable in both said first position and said second position (Figs. 1a-c), and wherein both said first and second groups of control elements (Fig. 1a, items on 12A and 12B, respectively) are exposed when said display is in said second position (Fig. 1a),

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and wherein only said second group of elements are exposed when said display is in said first position (Figs. 1b-c); wherein said first group of control elements are covered by said display when said display is in said first position (Fig. 1b-c, items on 12A), and said second group of control elements are not covered by said display when said display is in said first position (Figs. 1b-c, items on 12B); and wherein said second group of control elements comprise a control knob and a set of control buttons (Fig. 1b, items on 12B, specifically the keys and the circular knob).

As to independent claim 16, limitations of claim 1, and further comprising, a display having a display area defining a plane (Figs. 1a-c, item 14), the display rotatably coupled to said data processing device and configured to rotate around an axis of rotation within said plane from a first position to a second position (Figs. 1a-c, shows the rotation of the display (14)), said axis of rotation being substantially perpendicular to said plane for at least a portion of said rotation of said display (Figs. 1a-c), wherein images displayed on said display are viewable in both said first position and said second position (Figs. 1a-c).

As to dependent claim 3, limitations of claim 1, and further comprising, wherein said first group of control elements comprise a keyboard (Fig. 1a, item 12A, col. 2, lines 24-45).

As to dependent claims 6 and 30, limitations of claims 1 and 26, and further comprising, wherein said display is inverted when in said second position relative to said first position (Figs. 1a-c, shows inverted display (14)).

As to dependent claim 22, limitations of claim 16, and further comprising, wherein said control knob is configured to scroll between items within a list. Conway discloses in col. 2, lines 46-56, a trackball. The feature of a trackball is well known for scrolling, thus it is inherent to

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one of ordinary skill in the art that the trackball shown would be used for scrolling between items.

As to dependent claim 27, limitations of claim 26, and further comprising, wherein said display is rotatably coupled to said data processing device and configured to rotate within a plane substantially perpendicular to said display's axis of rotation between said first position and said second position (Figs. 1a-c, shows the rotation of the display (14)).

As to dependent claim 30, limitations of claim 26, and further comprising, wherein said second position is inverted with respect to said first position. Conway discloses in other embodiments of the apparatus (Figs. 3a-d), where the second position is inverted with respect to said first position.

As to dependent claim 31, limitations of claim 30, and further comprising, wherein images displayed on said display are inverted relative to said display when said display is moved between first and second position. Conway discloses in other embodiments of the apparatus (Figs. 3a-d), where the second position is inverted with respect to said first position, thus showing the images inverted relative to said display.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway et al. (US 5,278,779).

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As to dependent claim 23, limitations of claim 22, and further comprising, wherein one of said control buttons is configured to select items within said list. Conway fails to explicitly disclose wherein one of said control buttons is configured to select items within said list. However, Conway discloses in col. 1, lines 16-20, where computer keyboards are well know, and typically consist of a flat, generally rectangular rigid "slab" bearing one hundred or more keys, including standard letter keys, number keys, punctuation keys, function keys, and others. Therefore, it would have been obvious to one of ordinary skill in the art to include a button configured to select items within the list as in col. 1, lines 16-20 Conway discloses function keys which are well known to be programmable and aid in enhancing user navigation within the apparatus.

As to dependent claim 24, limitations of claim 23, and further comprising, wherein one of said control buttons is configured to back out of selected items. Conway fails to explicitly disclose wherein one of said control buttons is configured to back out of selected items. However, Conway discloses in col. 1, lines 16-20, where computer keyboards are well know, and typically consist of a flat, generally rectangular rigid "slab" bearing one hundred or more keys, including standard letter keys, number keys, punctuation keys, function keys, and others. Therefore, it would have been obvious to one of ordinary skill in the art to include a button configured to back out of selected items as in col. 1, lines 16-20 Conway discloses function keys which are well know to be programmable and aid in enhancing user navigation within the apparatus.

As to dependent claim 25, limitations of claim 16, and further comprising, wherein said control buttons and control knob are user programmable. Conway fails to explicitly disclose

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wherein said control buttons and control knob are user programmable. However, Conway discloses in col. 1, lines 16-20, where computer keyboards are well known, and typically consist of a flat, generally rectangular rigid “slab” bearing one hundred or more keys, including standard letter keys, number keys, punctuation keys, function keys, and others. Therefore, it would have been obvious to one of ordinary skill in the art to include control buttons and control knob are user programmable as in col. 1, lines 16-20 Conway discloses function keys which are well known to be programmable and aid in enhancing user navigation within the apparatus.

Allowable Subject Matter

5. Claims 7, 8, 20, 21, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7, 20 and 32 are objected to as the prior art of record do not disclose a *switch configured to trigger* when said display is rotated from said second position to said first position.

Claims 8 and 21 are objected to as the prior art of record do not disclose image inversion logic to *invert images on said display responsive to said switch triggering*.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3, 6-8, 16, 20-27, and 30-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 10:00 am to 6:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
April 1, 2005


SUMATI LEFKOWITZ
PRIMARY EXAMINER